

REMARKS

Applicants appreciate the time taken by Examiner Kramer on December 15, 2005 to discuss the independent claims and the applied prior art references. During the interview and as more fully explained below, it was pointed out that the Fox reference discloses a conventional yield management system. Fox uses a set number of time units, the price range of the customer and filters to filter out the time units that do not meet the price range of the customer, to maximize the revenue to the advertising seller. Fox does not provide a "scenario" with various combinations of units.

Specifically, the scenarios recited in claim 1 use (1) the performance measurement system and (2) the revenue maximization system, as well as (3) the buyer's criteria including a number of people and (4) the frequency people will be exposed to the advertisement units (5) to group together (6) to meet the buyer's criteria. Fox does not disclose anything similar to scenarios that have these six aspects as recited in claim 1.

Applicant's respectfully request reconsideration and allowance of the above-captioned application. Claims 1-21 remain pending in the application.

Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fox (U.S. Patent No. 6,260,047). The Applicant respectfully traverses.

On page 3 of the Office Action, the Office asserts that the feature of a central information storage system for receiving information from the performance measurement system and the revenue maximization system to generate scenarios wherein various combinations of units are grouped together to meet a buyer's criteria as recited in claim 1, is disclosed at column 4, lines 15-25 of Fox. However, lines 15-25 of column 4, merely disclose indices that are used to form a ratio of inventory utilization index (IUI) for ranking

time periods. Based on these IUI ratios, a time period for running a commercial unit is selected. However, Fox does not disclose or suggest generating scenarios wherein various combinations of units are grouped together to meet a buyer's criteria. Fox merely discloses presenting the ranking of available time units based on the IUI ratios.

For instance, the Table disclosed at column 6 of Fox, merely shows the ranking of a particular time period on a particular station. This does not disclose a combination of different time periods, but merely where a time period would be ranked based on the limited criteria used in Fox.

Furthermore, the IUI table does not show any combination of available time periods in which revenue would be maximized or when performance would be the best. The citations in column 5 do not state that a scenario planner is provided to display the various scenarios generated by the central information storage system as recited in claim 1. Therefore, Fox does not disclose a capability to generate scenarios wherein various combinations of units are grouped together to meet a buyer's criteria wherein said buyer's criteria include the number of people and frequency people will be exposed to the advertising units, or a scenario planner to display the various scenarios generated by the central information storage system, as recited in claim 1.

In addition, Fox does not disclose a revenue maximization system as recited in claim 1. The purpose of the revenue maximization system as disclosed in paragraph [0051] of Applicant's specification is to maximize the revenue of the purveyor of the inventory, such as a television or radio station. In contrast, Fox provides a price for a particular station based cost parameters that are customer specific (see Fox at col. 4, lines 54-61). Fox does

not disclose or suggest the sophistication necessary to maximize revenue for the seller, Fox merely presents a cost for the customer-selected advertising time periods.

Claim 3 recites the feature of wherein said predetermined pricing considerations includes at least the considerations selected from the group consisting of total number of unsold units, category and buyer attempting to purchase said units, the buyer's history and purchasing units, and the budget of the seller of the units. The Office Action states that such features are taught by Fox at column 1, lines 40-45 and column 4, lines 47-65.

However, review of each of these citations does not illustrate any of the considerations cited in claim 3. For instance, the citation in column 1 states that the buyer will instruct a station that the buyer has a certain budget and to make it go as far as the station can.

However, that does not take into consideration the "budget of the seller of the units" as recited in claim 3.

Rather, Fox only takes into consideration the budget of the buyer. Column 4, lines 47-65 of Fox, states measured information regarding the broadcast program, the advertising rate per thousand viewers or listeners or the cost per rating point of the television or radio program may be used to determine customer-specified cost parameters.

Finally, the motivation statement presented on page 4 of the Office Action only addresses that one of ordinary skill in the art at the time of the invention would also include frequency as part of the buyer's criteria. The motivation statement does not address, among other features, the features of a revenue maximization system or generating scenarios wherein various combinations of units are performed together to meet the buyer's criteria.

The Examiner has not established a *prima facie* case of obviousness because Fox does not suggest or disclose all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

On page 4 of the Office Action, the Examiner makes a conclusory statement that claims 8-21 are substantially similar to claims 1-7 and rejected under similar grounds. However, such is not the case. Independent claim 11, for instance, recites the feature of permitting a buyer to select various markets by geographic demarcation as well as, the feature of setting appropriate filters to filter out media within the selected markets using criteria selected from a group consisting of demographics, psycho graphics and media type. These features do not appear in independent claim 1 or in any of the dependent claims 2-7.

As for independent claim 12, it recites a performance measurement system for measuring performance of a medium selected from a group consisting of radio, television and print, in which units of advertisements are used. None of claims 1-7 recite such a feature. Additionally, independent claim 19 is further limited by dependent claim 20, which recites the features of said buyer's purchase requirements includes at least one requirement of the selected from the group consisting of market place, population number and frequency of people exposed to said advertisement units, performance measurements, price, demographics, psycho graphics, number of available units and day parts.

In light of the above remarks, the Examiner has not met his burden of providing a proper rejection of claims 8-21. Since the Examiner has not provided a rejection for claims 8-21, it is respectfully requested that the next Office Action be a non-final Office Action.

Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claims 1-21 be withdrawn for at least the above reasons.

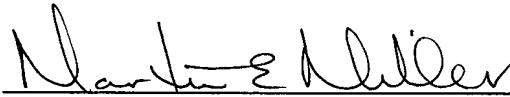
Based on the above remarks, reconsideration and allowance of the claims is respectfully requested. If the Examiner has any questions or believes that an interview would expedite prosecution of the application, he is invited to contact the undersigned.

Respectfully submitted,

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